

**PRINCIPAL LEGISLATION ON TRANSPORTATION TOPICS  
ENACTED BY THE 2005 WASHINGTON STATE LEGISLATURE**

**EXECUTIVE SUMMARY<sup>1</sup>**

**May 17, 2005**

***State Transportation Governance (ESB 5513)***

Restructures the State Transportation Commission and the Washington State Department of Transportation (WSDOT). The Secretary is appointed by and serves at the pleasure of the Governor. The Secretary assumes authority previously directed to the Commission to propose WSDOT's budget and to authorize agency request legislation. The Commission retains certain authority, including the statewide transportation plan, serving as the state's tolling authority and setting ferry fares. Additionally, the Commission receives an expanded role as a public forum for transportation policy development.

Creates the *Joint Transportation Committee (JTC)* to review and research transportation programs and issues.

The Transportation Performance Audit Board (TPAB) membership is adjusted by reducing from five to three the number of citizen members with transportation related expertise, adding two citizen members with performance measurement expertise and adding one member of the State Transportation Commission.

***Increasing state participation in public transportation service and planning (SHB 2124)***

Creates the Office of Transit Mobility in WSDOT. The purpose of the Office of Transit Mobility is to coordinate transit service and planning to maximize opportunities for using public transportation to increase corridor efficiency. WSDOT must establish a regional mobility grant program to identify projects that reduce delay for people and goods and improve connectivity between counties and regional population centers.

***Improving government performance and accountability (ESHB 1064)***

Creates a Citizen Oversight Board (Board) to develop an assessment and performance-grading program of state agencies.

Authorizes the State Auditor, in collaboration with the Board, to develop and implement a statewide performance review and performance audits of state government.

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<sup>1</sup>A complete summary of the background of each bill and its contents has been prepared and will be supplied to the Transportation Commission members by Don Griffith of WSDOT's Governmental Liaison Office (360-705-7022).

***Improving Government Management, Accountability and Performance (GMAP) (2SHB 1970)***

Requires state agencies to establish a quality management, accountability, and performance system.

Requires state agencies to apply every three years to the Washington State Quality Award or a similar program for an independent assessment of its quality management program.

***Transportation Budget (ESSB 6091)***

Provides 2005-07 biennial transportation appropriations totaling \$5.4 billion to agencies with transportation related activities. The biennial appropriation for the Department totals \$4.5 billion. It also adjusts 2003-05 biennial transportation appropriations through a 2005 supplemental transportation budget for agencies with transportation related activities. (See summary for details.)

***Transportation Revenue (ESSB 6103)***

Fuel Taxes. Increases the state fuel tax 3 cents a gallon beginning July 1, 2005, another 3 cents on July 1, 2006, another 2 cents on July 1, 2007, and an additional 1.5 cents on July 1, 2008 for a total increase over four years of 9.5 cents.

Weight Fees. A weight fee is levied on vehicles that do not currently pay a weight fee to account for their impact on roadways. Affected vehicles include passenger vehicles, sport utility vehicles, light trucks and motor homes. Annual vehicle weight fees for passenger vehicles are set as \$10 for vehicles up to 4,000 pounds, \$20 for vehicles between 4,000 and 6,000 pounds, and \$30 dollars for vehicles weighing between 6,000 and 8,000 pounds. Light trucks used for farm purposes are exempted from the weight fee. Motor homes are charged an annual flat fee of \$75.

Licenses and Permits. Certain Department of Licensing fees are adjusted to recover the cost of issuing various licenses and permits. Revenues that currently subsidize those costs are reallocated in the new expenditure package.

License fees on small, personal use trailers are lowered from \$30 to \$15 annually.

***Bonds for Transportation Funding (ESHB 2311)***

Authorizes \$5.1 billion of general obligation bonds for transportation improvements provided in the Transportation Funding Partnerships Act.

***Modifying highway and bridge tolling authority (SSB 5139)***

Repeals obsolete tolling and revenue bond statutes and removes prohibitions on tolling specific bridges and highways.

Statutory language relating to the approval of toll roads is clarified to indicate that the State Transportation Commission is the state toll authority and authorizes construction of toll roads.

***Adjusting aviation fees and taxes (SSB 5414)***

Increases the aviation fuel tax from ten cents to eleven cents beginning July 1, 2005. Abolishes the pilot, airman, and airwoman state registration requirements and the \$15.00 fee. Eliminates the Aircraft Search, Safety and Education Account.

***Enacting the Transportation Innovative Partnership Act (SHB 1541)***

The Transportation Innovative Partnerships Act is created to enable WSDOT to enter into partnerships with private entities for the development of transportation facilities. Projects eligible for development include road and highway facilities, structures, operations, properties, vehicles, vessels, etc., representing any mode of travel (except for recreational purposes). Projects that are not transportation facilities, but that carry out public purposes or provide financing streams to a transportation project, are also eligible for development.

***Modifying transportation benefit district provisions (SSB 5177)***

Modifies the authority of Transportation Benefit Districts (TBDs) to make improvements to transportation facilities, including state highways and local roads and public transportation investments. Grants additional revenue authority to TBDs including sales tax, vehicle registration fees, and tolling authority. Allows transit agencies and ports to participate in benefit districts. District governance for multi-agency districts must include a representative from each participating jurisdiction. Prohibits formation of TBDs in King, Pierce and Snohomish counties.

***Assessing long-term air transportation needs. (ESSB 5121)***

Requires WSDOT to conduct a statewide airport capacity and facilities assessment and report results by July 1, 2006. Also requires WSDOT to conduct a 25-year capacity and facilities market analysis, forecasting demands for passengers and air cargo, and reporting results by July 1, 2007. Directs the Governor to appoint the Aviation Planning Council on how to meet forecasted needs.

***Authorizing a HOT lanes pilot project on SR 167 – Agency Request Legislation (SHB 1179)***

WSDOT is permitted to establish and operate a High Occupancy Toll (HOT) lane pilot project along the nine miles of high occupancy vehicle lanes on State Route 167 within King County. Tolls on the project are to be established by the Transportation Commission and may vary in amount by time of day, level of traffic congestion, vehicle occupancy or other criteria. Special tolls may be provided for zero emissions vehicles. During peak hours, the tolls must be adjusted to maintain HOT lane performance of at least 45 miles per hour for at least 90 percent of the time. WSDOT is directed to mitigate impacts to HOV lane users and address safety issues. WSDOT is to report annually to the Transportation Commission and the Legislature on the project impacts on operations efficiency, effectiveness for transit, sufficiency of financing through tolls, and impacts on all highway users and modal choices. Surveys are authorized to determine this information.

***Harmonizing vehicle size limits with federal rules – Agency Request Legislation (HB 1180)***

Grants WSDOT the authority to adopt rules for size and weight criteria for vehicles considered to be specialized equipment by the Federal Highway Administration or the U. S. Department of Transportation. Grants WSDOT the authority to adopt rules regarding devices that can be excluded from vehicle length and width calculations. Revises the standard for side mirrors to conform to RCW 46.37.400.

***Allowing the creation of heavy haul corridors – Agency Request Legislation (SHB 1181)***

At the request of a port district, heavy haul industrial corridors may be established between WSDOT and port districts. A special category of overweight permit fees is established for vehicles operating within a heavy haul industrial corridors. Sealed ocean-going containers are declared non-divisible, enabling haulers to move overweight containers upon paying the required overweight permit fee.

***Clarifying responsibilities for vehicles passing bicyclists or pedestrians (HB 1108)***

Provides additional limitations and clarifies responsibilities for vehicles passing bicyclists or pedestrians.

***Restricting the use of traffic signal preemption devices (SHB 1113)***

Makes unauthorized possession of a signal preemption device a misdemeanor offense. Makes unauthorized selling and purchasing of a signal preemption device a gross misdemeanor offense. Makes it a felony offense to cause injury or death due to the unauthorized use of a signal preemption device.

***Studying the impacts of weight restrictions on farm implements (SHB 1117)***

Directs WSDOT to work with the federal government, local transportation authorities, transportation agencies in other states, and legislative members and/or staff to conduct a study regarding overweight farming vehicles.

***Authorizing the use of signs, banners, or decorations over highways under limited circumstances (HB 1124)***

Permits the use of signs, banners, or decorations over highways in unincorporated areas under certain circumstances. Directs WSDOT to adopt rules regulating signs, banners or decorations in unincorporated areas. Modifies the state Scenic Vistas Act to permit displays promoting local agency sponsored events when the display does not include advertising.

***Changing vehicle emission standards (ESHB 1397)***

Adopts the California vehicle emissions standards, without the zero emission vehicle regulations. The rules will be effective only for those model years for which Oregon has adopted the emissions standard. Independent repair shops may be certified to perform warranty service and must be compensated for that work at the same rate as franchised dealers. Broadens the diesel school bus retrofit program to include publicly owned diesel equipment. Authorized auto dealers and repair shops may do vehicle emissions testing beginning in 2012. The vehicle emissions testing program expires in 2020.

***Requiring the use of high performance building standards (ESSB 5509)***

Requires major facility projects of public agencies, public school districts, and other entities who receive funding in the Capital Budget, or projects financed through alternative financing contracts as established in law, to be designed, constructed, and certified to a specified performance standard (LEED silver standard or the Washington sustainable school design protocol). Directs the development of program guidelines, development of an ongoing evaluation process, creation of advisory committees, and the adoption of rules to implement the program. Directs the Joint Legislative Audit and Review Committee (JLARC) to conduct a performance audit of the high-performance buildings program and submit a preliminary report to the Legislature by December 1, 2010, and a final report by July 1, 2011.

***Modifying the alignment of SR 290 in Spokane (SB 5356)***

Transfers an 8/10<sup>th</sup> of a mile portion of SR 290 from WSDOT to the city of Spokane.

***Modifying motorist information sign panel regulatory provisions (SHB 1798)***

Requires WSDOT to charge sufficient fees to recover the costs for erecting and maintaining motorist information signs on the state highway system. Requires WSDOT to provide a report that accounts for the revenues and expenditures associated with the program, as well as the methodology for calculating the fees charged to participating businesses. Repeals the current law requiring WSDOT to contract out the motorist information sign program.

***Modifying citizen oversight of toll charges (HB 1864)***

Requires the Tacoma Narrows Bridge Citizen Advisory Committee (TNBCAC) members to be appointed proportionately from areas generating a majority of the trips across the bridge. The Citizen Advisory Committee is directed to look at the feasibility of providing discounts to frequent users, senior citizens, students and electronic transponder users. The Citizen Advisory Committee is directed to analyze variable or time of day pricing.

***Regulating the use of automated traffic safety cameras (ESSB 5060)***

Allows local governments to use automated traffic safety cameras to detect stoplight, railroad crossing, and school zone speeding violations.

***Regulating fare cards for transportation facilities and services (ESHB 1703)***

Relieves a public transportation agency that holds abandoned fare card value of the requirement to report the value to the state after the end of the holding period, as long as the agency honors the card in perpetuity.

***Expanding considerations in setting ferry fares (SSB 5729)***

Allows WSDOT, in setting ferry fares, to consider additional factors: the prepurchase of multiple fares, whether for a single rider or multiple riders; and the effect of proposed fares on frequent users who live in ferry dependent communities.

***Creating the oil spill advisory council (ESSB 5432)***

Established a 16 member Oils Spill Monitoring and Oversight Council in the Office of the Governor to provide independent oversight, research and monitoring of the state's oil spill program. Directs the Council to report to the Governor and the Legislature with recommendations for the long-term funding of the council and the appropriate agency in which to locate the council.

***Modifying the commute trip reduction tax credit (ESB 6003)***

Applications for Commute Trip Reduction (CTR) tax credit will no longer be filed throughout the year and must be filed in January, for the previous calendar year in which the expenditures for CTR incentives were made. The total amount of state credit available is increased by \$1 million per biennium. If the amount of credits applied for exceeds the total state limit, the Department of Revenue will proportionally reduce all credits. Credits used in subsequent years are subject to the total state limitation for the fiscal year for which the credit was originally approved.